N/S Middle River Road, 775' SE

of the c/l of Philadelphia Road * DEPUTY ZONING COMMISSIONER 15th Election District 6th Councilmanic District * OF BALTIMORE COUNTY * Case No. 89-492-A

Nelson L. Sappington Petitioner * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front building setback of 30 feet in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner, by James Sappington, Contract Purchaser, appeared, testified, and was represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition was William Bafitis. There were no Protestants.

Testimony indicated that the subject property located on Middle River Road 775 feet from Philadelphia Road, consists of 1.26 acres zoned M.L.-I.M. Said property is currently vacant. Mr. Sappington testified he proposes constructing a machine repair company which will be operated by . him and his brothers. Testimony indicated the Petitioners designed a plan in conformance with all zoning regulations in effect in 1988. Subsequentlv. under the comprehensive zoning map revisions in 1988, the property across from the subject site was changed in zoning from M.L.-I.M. to D.R. 16 necessitating the requested variances. Mr. Sappington testified that he had designed the building with the parking and truck turn-around in the rear due to the location of the non-conforming residential uses across from the property in the area now zoned D.R. 16. Petitioners contend that the proposed plans better serve the area. Mr. Sappington testified he had

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 243.1, to allow a front building setback of 30 feet

in lieu of the required 75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) a Practical difficulty due to a lot consignation

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Nelson L. Sappington James Sappington (Type or Print Name) (Type or Print Name) 9607 Philadelphia Road

Baltimore, Maryland 21237 City and State thrney for Petitioner: Whn B. Gontrum (Type or Print Name)

City and State 09 Eastern Boulevard Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, Maryland 21221

Attorney's Telephone No.: (3(.1) 686-8274 ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of ______, 19_____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

ning Commissioner of Baltimore County

spoken to one of the area residents who lives directly across from the subject site and who has indicated he has no objections to the Petitioner's plans. Testimony further indicated that the proposed site plan was approved by CRG in October 1988. Petitioner contends the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and is within the spirit and intent of the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). "o prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDFRED by the Deputy Zoning Commissioner for Baltimore County this 137 day of June, 1989 that the Petition for Zoning Variance to permit a front building setback of 30 feet in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any permits, Petitioner shall develop and submit a landscaping plan for approval by the Baltimore County Landscape Planner.

3) Compliance with all Zoning Plans Advisory Committee Comments submitted and incorporated into the case

- 3-

a MNistance ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

June 13, 1989

John B. Gontrum, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221 Dennis F. Rasmussen

RE: PETITION FOR ZONING VARIANCE

N/S Middle River Road, 775' SE of the c/l of Philadelphia Road 15th Election District - 6th Councilmanic District Nelson L. Sappington - Petitioner Case No. 89-492-A

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

a M Nesterwie ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

AMN:bjs

AMN:bjs

ZONING DESCRIPTION

Description of proposed Poplar Machine Company lot on Middle River Road located in the 15th Election District of Baltimore County, Maryland.

Beginning at a point on the north side of Middle River Road, 50 feet wide, said point being 775 feet, more or less, in a southeasterly direction from the centerline intersection of Philadelphia Road and Middle River Road; thence, running with and binding on the north side of said Middle River Road the following courses:

1. Southeasterly by a curve to the left with a radius of 1025 feet running an arc length of 65.09 feet to a point;

2. South 73°- 10'- 11" East 154.91 feet to a point; thence leaving said Middle River Road the following courses; 3. North 57°- 41'- 09" East 182.94 feet, to a point;

4. North 47°- 17'- 51" West 250.00 feet, to a point;

5. South 41° - 52' - 46" West 270.87 feet, to the point of Beginning.

Containing 49,223 square feet or 1.13 acres of land, more or



Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

Mr. James Sappington 9607 Philadelphia Road

Baltimore, Maryland 21237

J. Robert Haines

Date: 5/22/89

Re: Petition for Zoning Variance CASE NUMBER: 89-492-A N side Middle Rivert Road, 775' SE of c/l of Philadelphia 15th Election District - 6th Councilmanic Legal Owner: Nelson L. Sappington Contract Purchaser: James Sappington HEARING SCHEDULED: THURSDAY, JUNE 1, 1989 at 11:30 a.m.

Please be advised that \$9.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

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Junes Support

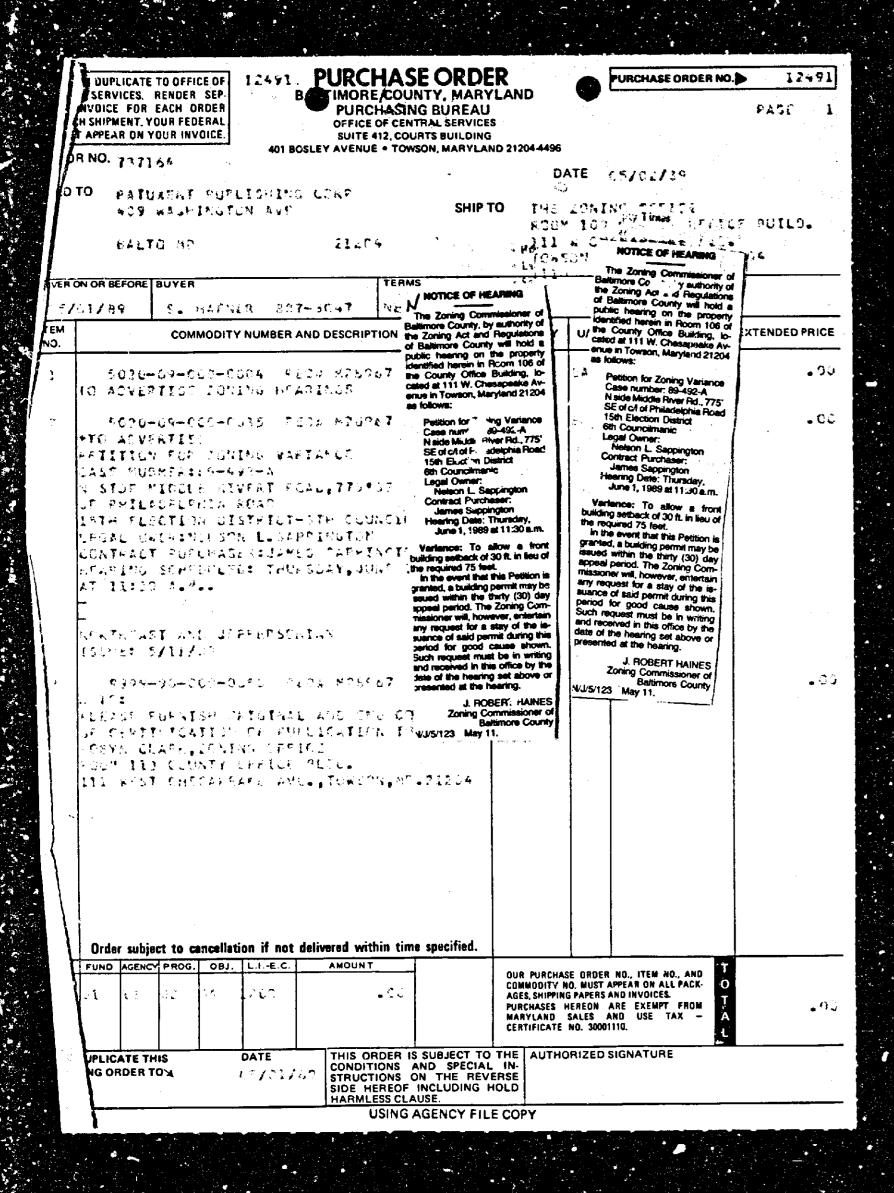
PETITIONER(S) SIGN-IN SHEET

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for:

Notioner: Notson L. Sapping Ton & James Sapping for

Location of property: N/S Middly Rivsu Rd. 775" SE/Phil. Rd. o Location of Signe Festing Middle Ride Rd. 16,2000 6 Fr.



Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines April 28, 1989 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Petition for Zoning Variance CASE NUMBER: 89-492-A N side Middle Rivert Road, 775' SE of c/l of Philadelphia Road 15th Election District - 6th Councilmanic Legal Owner: Nelson L. Sappington Contract Purchaser: James Sappington HEARING SCHEDULED: THURSDAY, JUNE 1, 1989 at 11:30 a.m. Variance to allow a front building setback of 30 ft. in lieu of the required 75 feet. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cruse shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of

Romadka, Gontrum & Hennegan IRVINGTON FEDERAL BUILDING 809 EASTERN BOULEVARD ESSEX, MARYLAND 21221 TELEPHONE (301) 686-8274

FAX # 686-0118

ROBERT J. ROMADKA JOHN B. GONTRUM JOHN O. HENNEGAN DONALD H. SHEFFY NANCY E. DWYER

January 25, 1989

Carl Richards Office of Planning : Zoning Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE: Sappington Zoning Variance Petition

Dear Mr. Richards:

JEG/cfr

Enclosure

Attached hereto is a Zoning Variance Petition which we are filing on behalf of James Sappington. Mr. Sappington has been in filing on behalf of James Sappington. Mr. Sappington has been in the process of attempting to develop and obtain required subdivision for his property on Middle River Road for quite some subdivision for his property on Middle River Road for quite some time. The property is currently zoned by Mr. Sappington's uncle who is elderly, and it is important to the Sappington's family that this property be subdivided at the earliest possible time. All was proceeding well with respect to the subdivision until it was discovered in the 1988 zoning map process, the property across Middle River Road was changed in its zoning from ML to DR 16 to accommodate a residential subdivision which has been proposed for the property. Consequently, this zoning variance proposed for the property. Consequently, this zoning variance proposed for the property. Consequently, this zoning variance has become necessary only due to the recent zoning change. We would request that you schedule this matter in an expedited fashion due to the act that this project as long been in the works and this additional step could make things extremely complex for the Sappington family in the event that the subdivision does not occur while the older relatives enjoy good health. We thank you for your consideration.

> very truly yours, John B. Gontrum

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887 3353 J. Robert Haines

Dear Mr. Gontrum:

Re: Item #359

John B. Gontrum, Esq.

Essex, Maryland 21221

Sappington

Romadka, Gontrum & Hennegan

Irvington Federal Building

Please be advised that your request for a hearing date has been forwarded to my desk for handling. On location of the file, I found that this variance was filed on February 22, 1989, however, the matter is in a hold position, awaiting receipt of new site plans and the correction of parking calculations.

Therefore, I would request that you bring your request for an early hearing to my attention once you have completed the necessay paperwork.

Said request will be considered starting from that date.

If you have any questions, please do not hesitate to telephone.

Very truly yours,

G. G. Stephens DOCKET CLERK 887-3391

Romadka, Gontrum & Hennegan Diff IRVINGTON FEDERAL BUILDING 809 EASTERN BOULEVARD ESSEX, MARYLAND 21221 FEB 22 1989 TELEPHONE (301) 686-8274 FAX # 686-0118 ZONING OFFICE

January 25, 1989

Carl Richards Office of Planning & Zoning Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE: Sappington Zoning Variance Petition

Dear Mr. Richards:

ROBERT J. ROMADKA

JOHN B. GONTRUM

JOHN O. HENNEGAN

DONALD H. SHEFFY

NANCY E. DWYER

Attached hereto is a Zoning Variance Petition which we are filing on behalf of James Sappington. Mr. Sappington has been in the process of attempting to develop and obtain required subdivision for his property on Middle River Road for quite some time. The property is currently zoned by Mr. Sappington's uncle who is elderly, and it is important to the Sappington's family that this property be subdivided at the earliest possible time.
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> Very truly yours, 4/101/10 John B. Gontrum

JBG/cfr Enclosure

83-432-A

Baltimore County

cc: James Sappington

John B. Gontrum, Esq.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of ______, 1989.

_ John B. Contrum, Esquire

Health Department Project Planning Building Department Chairman, Zoning Plans Board of Education Zoning Administration Advisory Committee Industrial

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave.

Burrau of

Department of

Bureau of Fire Prevention

tate Roads Commissi

John B. Gontrum, Esquire 809 Eastern Boulevard Baltimore, MD 21221

> RE: Item No. 359, Case No. 89-492-A Petitioner: Nelson L. Sappington Petition for Zoning Variance

May 18, 1989

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER Zoning Plans Advisory Committee

Enclosures

cc: Mr. Nelson L. Sappington 9607 Philadelphia Road Baltimore, MD 21237

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 25, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

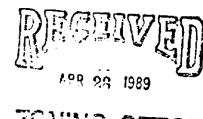
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398.

Very truly yours,

Muchael Stlemgi Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw



			BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL OTECTION AND RESOURCE MANAGEME Date
Off Cou	ice nty	0	ommissioner f Planning and Zoning ffice Building Maryland 21204
Zon	ing	1	tem # 359, Zoning Advisory Committee Meeting of April 4, 1989
Pro	per	tу	Owner: Nelson L. Sappington C. P. 111 Plaistrict: 15
Loc	ati	oπ	Owner: Nelson L. Sappington 1: NS Middle River Rd., 775 SE of centerline of Philadelphia Rd. District: 15 1: 15 poply:
Wat COM	er MEN	Su TS	s are as follows:
()]	Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section. Bureau of Regional formunity Services, for final review and approval.
. ()		Prior to new installation(s) of fuel burning equinment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements io. such installation(s) before work begins.
()		A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
()		A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation thick has a total cooking surface area of five (5) square feet or more.
()		Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
()		Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department and Safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department Environmental Protection and Resource Management for review and approval. For more complete information contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
()		Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulation. For more complete information, contact the Division of Maternal and Child Health.
()		If lubrication work and oil changes are performed at this location, the method providing for the eliminat of waste oil must be in accordance with the State Department of the Environment.
. • ()		Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Peritioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.
. (())	Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
()	 () The results are valid until () Soil percolation test results have expired. Petitioner should contact the Division of Wate and Sewer to determine whether additional tests are required.
)	Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimor County Standards must be drilled.
	()	<pre>In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of propert and approval of Building Permit Applications.</pre>

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

() In order to subdivide this property, the owner or developer will be required to comply with the subdivision

(V) Others Provisions must be inade for proper disposal of oil, lubricants andier solvents discarded from operation.

subdivision process, please contact the Land Development Section at 887-2762.

If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental

Effects Report must be submitted. For more information contact the Division of Environmental Management

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

logical and chemical water samples.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke Chief J. Robert Haines Zoning Commissioner Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204 Dennis F. Rasmussen County Executive Re: Property Owner: Nelson L. Sappington Location: N side Middle River Road, 775' SE of centerline of Phila. Rd. Zoning Agenda: April 4, 1989 Item No.: 359 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. () 6. Site plans are approved, as drawn. () 7. The Fire Prevention Bureau has no comments at this time. Pfahring Group Special Inspection Division

William N. Bafitis, P.E. Bafitis & Associates

